

PREVENTION OF EMPLOYEE HARASSMENT

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I. PURPOSE

The purpose of this policy is to clearly state Thetford Academy's values, practices, and procedures with regard to the prevention of harassment of and by employees of the Academy.

II. DEFINITIONS

Employee:

For purposes of this policy, an employee is any person employed by and subject to the direct supervision of Thetford Academy.

Unlawful Harassment:

According to federal and state statutes, unlawful harassment is verbal, written, or physical conduct based on an employee's race, color, religion, national origin, place of birth, marital status, sex, pregnancy status, sexual orientation, gender identity, age, political affiliation, ancestry, genetic information, or disability which has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment:

Sexual harassment is unlawful and is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (ii) submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
- (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Retaliation:

Retaliation is adverse action taken against a person for making a complaint of unlawful harassment or for participating in or cooperating with an investigation.

III. POLICY

Unlawful harassment shall not be tolerated at Thetford Academy. Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct constituting harassment as defined herein and by state and federal law violate this policy. Retaliation against any person raising good-faith allegations of unlawful harassment or against any witness cooperating in an investigation pursuant to this policy is prohibited.

IV. COMPONENTS OF POLICY

A. Examples of Harassment

Unlawful harassment can include any unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an employee because of the employee's race, color, religion, national origin, place of birth, marital status, sex, pregnancy status, sexual orientation, gender identity, age, political affiliation, ancestry, genetic information, or disability. Such conduct includes but is not limited to unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, extorting, or the display or circulation of written materials or pictures.

Race and Color

Racial or color harassment may include unwelcome verbal, written, or physical conduct directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.

Religion

Harassment on the basis of religion includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's religion or creed, such as religious slurs or derogatory comments regarding surnames, religious traditions, or religious clothing.

National Origin and Place of Birth

Harassment on the basis of national origin includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's national origin or place of birth, such as ethnic slurs or negative comments regarding surnames, manner of speaking, customs, or language.

Marital Status

Harassment on the basis of marital status includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

Sex

Sexual harassment may include unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

Sexual Orientation

Harassment on the basis of sexual orientation includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's sexual orientation.

Gender Identity

Harassment on the basis of gender identity includes unwelcome verbal, written, or physical conduct directed at an individual's actual or perceived gender identity or at gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

Age

Age harassment includes unwelcome verbal, written, or physical conduct directed at someone age 40 or older, such as offensive remarks about a person's ability to perform certain tasks because of his or her age.

Genetic Information

Harassment on the basis of genetic information can include, for example, making offensive or derogatory remarks about an employee's genetic information, or about the genetic information of a relative of the employee. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about family medical history.

Disability

Disability harassment includes any unwelcome verbal, written, or physical conduct directed at the characteristics of a person's disabling mental or physical condition, such as imitating a manner of speech or movement, or interference with necessary equipment.

B. Examples of Non-Harassment

It is not considered harassment for a supervisor to give work-related direction to an employee.

It is not considered harassment for supervisors to evaluate employees' work performance.

C. Procedure

1. Duty to Investigate: In the event that Thetford Academy receives a complaint of unlawful harassment of an employee, or otherwise has reason to believe that unlawful harassment is occurring, it shall take all necessary steps to ensure that the matter is promptly investigated and addressed. Thetford Academy is committed to take action if information regarding potential unlawful harassment is learned, even if the aggrieved employee does not wish to formally file a complaint in writing. Any investigation by the school shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
2. Filing a Complaint: Employees are encouraged to report the alleged unlawful harassment as soon as possible to a non-discrimination coordinator or to another of the designated persons listed below.

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject the person(s) accused to criminal prosecution by the presiding authority. An employee can choose to make a report to external law enforcement at any time, and doing so does not preclude the employee from making a report to Thetford Academy. Both processes can be pursued if an employee chooses to do so. Thetford Academy encourages employees to report an incident which may be a violation of Vermont State Law to external law enforcement. Prompt reporting to external law enforcement is important in a criminal prosecution.

3. Designated Persons: Recognizing that anyone might be the source of a harassment grievance, Thetford Academy shall provide multiple avenues for employees to register complaints of harassment. The following persons shall be designated to receive such complaints:
 - (i) TA's non-discrimination coordinators or the Head of School,
 - (ii) TA's Employee Assistance Program (EAP) counselors,
 - (iii) TA's mediating agent (see TA's CFO for information),
 - (iv) the President of TA's Board of Trustees or the Chair of the Board's Personnel Committee.

Employees who think that they have been the victim of discrimination, harassment, or retaliation should contact the person as close to the top of the list as possible given the nature of the complaint. For example, if the complaint pertains to both the Head of School and the non-discrimination coordinators, then the employee should contact an EAP counselor. If the matter is not satisfactorily resolved, then the employee should move down the list to the next designated person.

4. Investigation: Allegations of unlawful harassment shall be promptly investigated. No person who is the subject of a complaint or who has a potential conflict of interest shall conduct or consult on an investigation. Unless it would violate the aforementioned condition, a non-discrimination coordinator or his/her designee shall conduct the investigation in consultation with the Head of School. Other persons may be designated for these roles when needed by the Head of School, President of TA's Board of Trustees, or Chair of the Board's Personnel Committee.

If the allegations are found to have been substantiated by the investigator, Thetford Academy shall take appropriate disciplinary and/or corrective action. Such action may include a wide range of responses from education to serious discipline. Serious discipline may include termination for employees and, for students, expulsion or removal from school property.

The non-discrimination coordinator or his/her designee shall inform both the complainant(s) and the person(s) accused as to whether the allegations were substantiated. Retaliation by or against the person(s) accused, the complainant(s) and any witness(es) shall not be tolerated. If, after investigation, the allegations are

found not to have been substantiated, the complainant(s) shall be informed of the right to contact any of the state or federal agencies identified in this policy.

A complainant who files a frivolous claim of harassment — i.e., a claim that the complainant knows is without merit — may be subject to disciplinary action.

5. State and Federal Complaint Options: Employees may file complaints both with the school and with state and federal agencies. The agencies are:
 - a. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171.
 - b. Equal Employment Opportunity Commission
1 Congress Street, Boston, MA 02114
tel: (617) 565-3200 (voice), (617) 565-3204 (TDD).
Complaints to this agency must be filed within 300 days of any unlawful harassment.

ADOPTED: September 12, 2019